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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,219	02/05/2004	Mark Neubauer	NEUB-10048	8147

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SCHMEISER OLSEN & WATTS
18 E UNIVERSITY DRIVE
SUITE # 101
MESA, AZ 85201

EXAMINER

BASINGER, SHERMAN D

ART UNIT PAPER NUMBER

3617

DATE MAILED: 12/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/774,219

Applicant(s)

NEUBAUER, MARK

Examiner

Sherman D. Basinger

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 16-19 is/are rejected.
- 7) ☒ Claim(s) 15, 20 and 21 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/5/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Objections

1. Claims 13 and 15 are objected to because of the following informalities: In claim 13, "the holder" has no clear antecedent and in claim 15 "the desired key slot" has no clear antecedent. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 7, 8, 13 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Navagh.

The canister and cap are 6. The key chain is 4.

Since the canister is made of plastic, it will float when the lid closes it. Also, both the lid and canister will float because they are made of plastic.

The vent plug 1 is the boat plug. The plug key of claim 14 is the small L shaped screw driver described in column 2, lines 38-39.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-6 and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Navagh in view of Tobolt and O'Connor.

Navagh does not disclose the canister cap further comprising an overlapping portion and a canister engaging portion coupled together by a circumferential bead, and a cap shaft with a key chain aperture extending there through.

Tobolt discloses a cap 14 for a canister 16 which comprises an overlapping portion 74, an engaging portion 72 and a bead 78 coupling the two. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to design the canister of Navagh similar to how the canister of Tobolt is designed and the cap of Navagh similar to how the cap of Tobolt is designed such that the cap of Navagh has the overlapping portion, engaging portion and circumferential bead. Motivation to do so is to provide a good seal between the cap and canister.

O'Connor discloses a shaft 16 with a key chain aperture coupled to the top portion of his cap. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to provide a shaft similar to 16 of O'Connor to the cap of Navagh to attach the chain of Navagh to the cap. With the chain attached to the cap with a shaft similar to that of O'Connor, the chain is considered to be integral with the cap.

With regard to claim 4, the lip of the canister of Navagh when modified with Tobolt would be as top edge 38 of Tobolt.

6. Claims 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Navagh in view of Moeller 810 and Moeller 945.

Navagh does not disclose the boat plug 1 as comprising a key slot, a key head coupled to a key shaft, a plug body, a collar, a recess, and a base washer, and with the key slot being integral to the key head, the key slot configured to receive a plug key.

Moeller 810 discloses a boat plug comprising a key head 36 coupled to a key shaft 30, a plug body 16, a collar 32, a recess in the collar receiving o-ring 33, and a base washer 34. Moeller 945 discloses a key slot receiving key 36 and being integral to the key head 34, the key slot configured to receive a plug key 36.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to store a boat plug similar to that of Moeller 810 in the canister of Navagh and to provide the key head of this plug with a key slot and key similar to key 36 of Moeller 945 and the slot receiving key 36 of Moeller 945. Motivation to do so is to provide a place to store the key of Moeller 810 when it is not being used.

In Moeller 810 the collar, the plug body, and the base washer have a plug aperture for receiving the key shaft extending from the collar through the plug body, and to the base washer, such that when the key shaft is rotated, the base washer travels linearly along a center line of the key shaft.

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Also, in Moeller 810 the plug body 16 is a deformable material that expands diamaterally to plug a drain hole as the base washer and the collar apply pressure on opposing ends of the plug body and shrinks diamaterally when the pressure is reduced.

Allowable Subject Matter

7. Claims 15, 20 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion


8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Preston is cited to show plug 34 with a slot for a key.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherman D. Basinger whose telephone number is 703-308-1139. The examiner can normally be reached on M-F (6:00-2:30 ET).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel J. Morano can be reached on 703-308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sherman D. Basinger
Primary Examiner
Art Unit 3617
12/8/04

sdb
12/8/04